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RATE REGULATION, AS AFFECTED BY THE DISTRIBUTION OF GOVERNMENTAL POWERS IN THE CONSTITUTIONS. By Robert P. Reeder, of the Philadelphia bar. Philadelphia: T. and J. W. Johnson Co., 1908, pp. 44.

The subject of railway rate regulation continues to inspire the making of many books. The present monograph might well have been called an inquiry as to the extent to which rate regulation may be delegated to commissions or other administrative bodies. Within the scope thus indicated, and considering the brevity of Mr. Reeder's essay, it is safe to say that no better piece of writing has appeared in a long time. The work, as evidenced by the scholarly quality of the text and the copious citations in the notes, is based upon an exhaustive study not only of the cases, and of ordinary law text books, but also of the pertinent literature, periodical and otherwise, in political science and other allied subjects. The author undertakes to show that, "within their respective jurisdictions and within constitutional bounds, both congress and the state legislatures may limit the charges for railroad transportation, either specifically or by definite general rules; and that if the legislative department of government establishes such rules it may empower a commission to name specific rates in accordance therewith; but that, on the other hand, such rules may be established only by the legislative department, and until they are so established no commission may constitutionally ordain specific rates." (Page 1) This, of course, is not a novel proposition, and the value of the book lies largely in its effort to state definitely the range of powers which may be given to commissions. The text is so condensed and so compactly interwoven, that all of it must be read to comprehend and to fairly criticise it; but one or two quotations may be made, perhaps, as indicating with substantial accuracy the author's argument. Thus on page 28, he says: " * * * * While a legislature certainly may authorize such a commission to investigate questions concerning rates which may be charged thereafter, if it has clearly established the principles which are to be applied by the commission, the cases which we have just considered do not warrant the assertion that the legislature may endow the commission with a wide discretion as to the rates which shall be fixed." Some pertinent suggestions for obviating the difficulties resulting from unrelated and unadjusted rates which may be established in the different states and by the United States Commission are made on pages 28-35. The general proposition is embodied in the following sentence from page 32: "In view of the cases as to the contingent treatment of foreign corporations, it seems that a state might make the local railroad rates to depend upon the rates which the federal government might establish for interstate transportation, and conversely, the federal government might make the interstate rates to depend upon the rates which the state might establish for local transportation." That there are difficulties about this, the author admits.

Mr. Reeder points out the wide and important differences in the range of possible regulations, from which "it necessarily follows that, unless legislative power may be delegated, when the legislature entrusts to a commission the power of naming specific rates, it must state definitely what principles are to be made effective by that commission. * * * * But none of those courts" (which have sustained statutes authorizing commissions to name rail-

road rates) "realized that important differences in rate regulation are constitutionally possible. Consequently, of course, none of those courts sufficiently considered the question whether in the statute before it the legislature had actually established definite principles for the guidance of the commission in naming specific rates. And for that reason it cannot be said that that question has been finally settled as to any particular statutory provision."

The essay is a strong argument from the legal point of view of the necessity of strictly limiting the authority of commissions to ministerial and quasi-ministerial functions. It concludes in two or three paragraphs, in which the author descends from the admirably judicial and scholarly plane on which the rest of the book is written, the gist of which is that expediency requires the same limitation upon the powers of these commissions, as that which the author contends is imposed by law.

H. M. B.

A TREATISE ON THE LAW OF REAL PROPERTY.. By Alfred G. Reeves, A.M., LL.B., professor of law in the New York Law School, author of "A Treatise on Special Subjects of the Law of Real Property," and editor of "Reeves' Leading Cases on Wills." In two volumes. Boston: Little, Brown & Co., 1909, pp. cxxiv, 1659.

This is no digest of the decisions on the law of real property of all the United States nor of any state. It is no compilation of the late law of the subject. We have here the mature work of the mature student. It is manifest also that the author is and for years has been a leader of students. The student is never out of his mind. His analysis of the subject, his selection of illustrations and citations, are always with a view to exposition. In the first place he devotes his first hundred and nine pages of his text to a general prospectus of the subject. He seems convinced that there is no way of getting at the subject that does not presuppose a knowledge by the student in a general way at least of other branches of the subject; and to overcome this difficulty, well known to all who have tried to teach this branch, he has chosen to give this general survey before attempting to present any topic in detail. Then he has tried to give the student a graphic picture of the whole by means of charts. Coming now to take up the topics in detail, we discover that he is familiar with the writings of the masters who have dealt with the subject before him, Coke, Cruise, Kent, Williams; nothing found by Digby or Pollock and Maitland in their researches has escaped him. He knows and shows the decisions out of which the law grew, what decision gave rise to that doctrine, how this statute was induced and what was its effect. The historic development of the law is kept before the student continually. The advantage it possesses over the older works, lies principally in the elimination of the obsolete portions treated by Cruise, the more compendious treatment of the developments of the seventh and eighteenth centuries, the incorporation of the older discoveries of Digby, Pollock, and Maitland, and the addition of citations to important American decisions. In discussing the statutory changes in this country he has emphasized the statutes of New York, from which those of Michigan, Wisconsin, Minnesota, Iowa, the Dakotas, and other states, were directly or indirectly derived. No topic